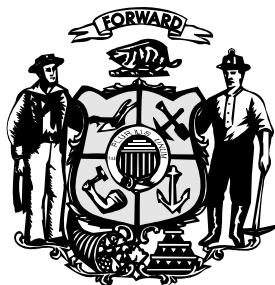


STATE OF WISCONSIN
Public Records Board

SCOTT WALKER
GOVERNOR

Georgia Thompson
Executive Secretary



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Minutes – Approved
Public Records Board
January 11, 2016; 1:30pm – 3:30pm
Wisconsin Department of Justice
17 West Main Street, Room 150A
Risser Justice Building
Madison, Wisconsin

1) Call to Order and Roll Call: 1:30 PM

Board Members Present: Matt Blessing, Sandra Broady-Rudd, Carl Buesing, Paul Ferguson, Melissa Schmidt and Bryan Naab

Board Members Excused: Peter Sorce

Linda Barth, Department of Administration, served as Executive Secretary.

2) Comments from the Chair: Board Chair Matt Blessing delivered remarks addressing the following:

- The Public Records Board (PRB) non-partisan composition
- The Board's statutory duties regarding records retention and disposition
- Standard best practices nationwide concerning transitory records

Chair Blessing's complete comments are attached to the minutes.

3) Records Management Committee Report: Bryan Naab, Chair of the Records Management Committee, said that the third quarter index submitted to the PRB at their August 24, 2015 meeting included the following Records Retention Disposition Authorizations (RDAs) from:

86 RDAs from 9 state agencies
65 RDAs from 6 counties and local governments
16 RDAs from the University of Wisconsin—Madison
55 RDA changes from the Administrative General Records Schedule, including review of standing committee work associated with transitory records.

4) Public Comment Period: The following people provided public comments:

<u>Name</u>	<u>Organization</u>
Richard Pifer	Self
Michael Taaschek	Self
Steve Hirsch	Self
Susan Pearson	Self
Deb Parman	Self
Carol Johnson	Self

James Cox
Bill Lueders
James Friedman

Andrew Johnson

Bill Klatte
Pat Bauer
April Barker
Janine C. Edwards
Orville Seymer

(Final commenter who did not provide name)

Self
Wisconsin Freedom of Information Council
Wisconsin Newspaper Association and Wisconsin
Broadcasters Association
Dodge County Pioneer, Wisconsin Newspaper Association
and National Newspaper Association
Self
Self
Self
Self
Self

5) Board Discussion and 6) Action: Mr. Ferguson moved to vacate the Board's decision on all of the RDAs in the third quarter Index. The motion was seconded by Ms. Broady-Rudd. The motion carried unanimously:

Member	Aye	No	Abstain
Matt Blessing	X		
Paul Ferguson	X		
Melissa Schmidt	X		
Bryan Naab	X		
Sandra Broady-Rudd	X		
Carl Buesing	X		

Ms. Broady-Rudd moved to approve the 86 RDAs from 9 state agencies, 65 RDAs from 6 counties and local governments and 16 RDAs from the University of Wisconsin—Madison on the third quarter index. The motion was seconded by Mr. Ferguson.

The motion carried with five votes in favor and one abstention:

Member	Aye	No	Abstain
Matt Blessing	X		
Paul Ferguson	X		
Melissa Schmidt			X
Bryan Naab	X		
Sandra Broady-Rudd	X		
Carl Buesing	X		

Chair Blessing opened the discussion on the third-quarter index Administrative General Records Schedule. Mr. Buesing, Chair Blessing, Ms. Broady-Rudd and Mr. Ferguson expressed their views regarding transitory records.

Mr. Buesing moved to adopt all changes to the Administrative General Records Schedule in the third-quarter index except the changes to ADM00011. The motion was seconded by Mr. Ferguson.

The motion carried with five votes in favor and one abstention:

Member	Aye	No	Abstain
Matt Blessing	X		
Paul Ferguson	X		
Melissa Schmidt			X
Bryan Naab	X		
Sandra Broady-Rudd	X		
Carl Buesing	X		

Chair Blessing reminded the Board that by vacating the August 24, 2015 vote on the transitory records schedule, the policy in effect is now the 2010 version of the transitory records schedule. Mr. Buesing stated that the Board was not proposing to reapprove the August 24, 2015 version of the transitory records schedule and that there is opportunity to improve it further as part of the normal process. Ms. Broady-Rudd and Chair Blessing agreed that ADM00011 would be revisited at a later date.

7) Adjourn: Ms. Broady-Rudd moved and Mr. Ferguson seconded that the meeting adjourn. The motion carried unanimously.

Member	Aye	No	Abstain
Matt Blessing	X		
Paul Ferguson	X		
Melissa Schmidt	X		
Bryan Naab	X		
Sandra Broady-Rudd	X		
Carl Buesing	X		

The meeting adjourned at 3:26 p.m.

Public Records Board
Chair's Comments, January 11, 2016
Matt Blessing

My name is Matt Blessing and I am the current chair of the Public Records Board. I serve as the State Archivist and have been a librarian and archivist for 27 years.

I want to leave you with **two points** at the opening of these comments:

First, since its creation in the 1940s, this board has always been non-partisan, focused on professional and technical records management responsibilities involving scheduling the retention and disposition of records, and the development of training materials about the management of public records.

Second, decisions about the retention or maintenance of public records are driven exclusively by the *information* contained in documents, *never* by the record format or the record media. I will return to both of these key points.

This meeting of the Public Records Board has been called in order to address several points.

In scheduling and noticing this meeting on December 30th, the PRB provided the public with an opportunity to contribute their input, both electronically via email and via oral statements later in this meeting. **Written comments have been compiled by the Board's executive secretary and made accessible on the website of the Public Records Board at: publicrecordsboard.wi.gov**

Individuals wishing to make a statement should sign up on the clipboard that has been circulating. Public statements will be limited to one minute per person. I estimate that the public comment period will begin shortly after 2:00 p.m.

Next, the board will revisit its vote of August 24, 2015, specific to the updating of the Administrative General Records Schedule. Ms. Barth, please note that the vote by each Board member should be documented in the meeting minutes.

Next, it has become apparent that the Board needs to clearly describe not only its statutory duties, but who through its composition and makeup, the central role it serves in providing cost-effective records management for state agencies, and ultimately for Wisconsin citizens. Wisconsin State Statutes in 16.61 (subsections 1-2), address the board's long-standing and important statutory responsibilities.

Finally, related to those duties, we will communicate details about the periodic updates, revisions, and refinements to Records Disposition Authorizations (RDAs) and General Record Schedules (GRSs). In particular, as noted on today's meeting agenda, special attention will be devoted to the records management profession's concept of "transitory files" or "transitory records."

This meeting has not been called to address the suggestion that has been made that the board overstepped its statutory authority. 16.61 (1) directs the Board to "*preserve for permanent use important state records, prescribe policies and standards that provide an orderly method for the disposition of other state records and rationalize and make more cost-effective the management of records by state agencies.*"

Furthermore, in clear language, 16.61 directs the PRB to provide leadership and oversight in developing records management protocols, especially in terms of the core professional work involving records retention and records disposition.

Each member of this board is committed to the Board's oversight and long-standing method of developing written guidelines, employee orientation, and instructional materials, so that state agencies, local governments, and the University of Wisconsin System can effectively manage the vast amount of public records created by government employees every day.

Solid, efficient records management programs are essential to effective and transparent government operations, including:

- supporting discovery and public records requests
- helping preserve the rights of citizens to access public records.

Second, sound records management

- supports better decision making;
- safeguards vital information;
- preserves organizational memory;
- reduces operating costs.
- minimizes litigation risk
- and ensures statutory and regulatory compliance;

Retention schedules are developed by state agencies. Today, there are more than 7,800 unique, agency-specific record schedules that form the basis for records management. In addition, there are 13 general records schedules for common types of records. All schedules determine the minimum retention periods and also mandate what happens to the record at the end of that time period (termed "record disposition.") Review and approval of these schedules is one of the Board's fundamental statutory responsibilities.

There were 222 record schedules submitted for Board approval on August 24, an average number of RDAs for a quarterly meeting, since record schedules must be reapproved every 10 years.

Since 1959, it is these records schedules that have guided the management of active records – in file cabinets, computers, and other electronic devices – in state government offices.

An additional 407,000 boxes of records and individual tapes, microfilm reels, and blueprints and other inactive records are stored at the State Records Center, managed by the Department of Administration, but still controlled by the creating state agency, to ensure that the financial, audit, legal, and administrative value of records are met.

Numerous records management professionals have emphasized that records are always evaluated based on their informational content, not their physical format or media. This bears repeating: guidelines and instructional materials approved by this board emphasize that records retention guidelines apply regardless of record format, or the media or the electronic device. Public records in both GRS's and RDA's apply to all record formats: paper, tape, email, and other born-digital records. To safeguard information contained in records maintained exclusively in electronic formats, all state agencies must meet the standards and

requirements for their management as defined in Wisconsin Administrative Code Chapter 12. Adm. Code Chapter 12 was established in 2001 and written in clear language that can encompass new electronic systems as they evolve.

In Wisconsin, General Record Schedules provide the minimum retention time a government unit must retain records. Furthermore, a state agency adopting a GRS must adopt the entire schedule, which often consists of 30 to 50 common record types. For example, the Administrative General Records Schedule includes the business correspondence of Appointed Executives, State Agency Heads, Deputy Heads, Division Administrators, and Regional Directors. The **minimum retention and disposition period for this particular schedule is 3 years, then these records are transferred to the UW Archives or Wisconsin Historical Society Archives.**

As noted in the introduction to each GRS, records may not be destroyed earlier than the approved retention period.

The core records management concept of “transitory files,” or “transitory records,” was introduced 18 years ago in 1998, in Wisconsin’s first general records schedule. The concept of transitory is grounded in standards and practices of the records management profession. The physical format of a record is irrelevant to the definition.

Transitory records are not spam.

Best-practice manuals issued by the National Association of Government Archives and Records Administrators and the National Archives and Records Administration, cite the following examples of transitory records:

- Preliminary memos which are not significant stages in the preparation of a final document, and do not record official decisions;
- Multiple copies of project or committee materials, such as minutes or agendas, sent to various committee members (but not be the individual organizing the meeting);
- Personal messages, notification of upcoming events, or memos of minor administrative details.

These same best practice manuals recommend that once a transitory message has served its purpose it should be deleted. The deletion of transitory email, for instance, on a regular basis will reduce the number of messages as well as avoid unnecessary storage costs. This practice aids in the discovery of records.

This Board must ensure that records are retained long enough to achieve administrative, legal, financial, and audit requirements. That is why it is composed of information professionals, and from professional designees such as the Office of the Attorney General, Legislative Council, and State Auditor. Efficient and effective records management systems protect the interests of the people of Wisconsin by meeting these needs.

Records managers and archivists do not keep everything. The evaluation of records is what makes them professionals, rather than dead file clerks. The National Archives is a case in point. Of all the documents and materials created in the course of business conducted by the federal government, only 1%-3% are so important for legal or historical reasons that they are kept by the National Archives forever.

The management of public records in Wisconsin adheres to the same practices and standards common among records management professional and government archivists in other states, including examples respective to the management of transitory records. I am circulating examples collected from other records management

programs in other states. Printed copies of this compilation are available from Ms. Barth. This compilation includes the definitions of Transitory Record used in both the 2010 and 2015 versions of the General Records Schedule. In my opinion, the 2010 definition was vague and used professional jargon. It defines transitory as “Correspondence and other related records of short-term interest which do not have documentary or evidentiary value.”

For instance, the 2010 version includes the phrase “evidentiary value.” This does not mean the well-understood legal definition of authentic evidence suitable to prove or disprove a fact in a court of law. Rather it describes a quality of record that provides information about the origins, functions, and activities of office creating the document.

However, I feel that there remain weaknesses in the 2015 clarification. I will address my concerns during the board discussion period later in this meeting.

Mr. Naab, the Board designee of the State Auditor and the chair of the standing Records Resource Committee, will be describing the work involved in addressing the new Administrative General Records Schedule in his report.

The composition of this board seeks to ensure the legal, financial, audit, and historical interests of the state, both in state agencies and in local governments. Second, within its statutory charter to ensure the “cost effective management of records by state agencies,” this board has assisted state taxpayers by saving millions of dollars through the professional management of the state’s information resource.

I appreciate you listening to the technical aspects rooted in the board’s duties.

For over 175 years Wisconsin has had a proud tradition of vigorous debate over public policy matters. As a historian and life-long resident of Wisconsin, effectively collecting and preserving that record is important to me, both professionally and personally. As the state archivist, I hope I have stated the vital need for the 35,000 state employees – the record custodians – in all state agencies, to pay attention to the professional and technical advice of records officers and the Board-approved record schedules. We share a common goal of making records accessible through their life cycle, including historical records destined for permanent preservation. Never, in my years of service to this board, has it ever diverged from these fundamental responsibilities.

As I wrap up, it is imperative that each member of Board feel absolutely confident that the suggested revisions contained in the August 2015 GRS offers clear and precise language, and result in the cost-effective records management practices, as is its statutory duties. If there is any possible confusion on this important and sensitive issue then it is the Board’s responsibility to begin addressing it today.

Good recordkeeping is a central component of good government and accountable government. So too is citizen engagement, and I appreciate the public’s interest in this matter and in improving the existing systems.